

Appl. No. 09/864,042  
Amidt. Dated 06/23/05  
Reply to Office Action of 03/23/2005

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figs. 1, 3A and 5.

Attachment:        Replacement Sheets

### **REMARKS**

This Amendment is in response to the Office Action mailed October 17, 2005. In the Office Action, the disclosure and drawings were objected, claims 24-26 were rejected under 35 U.S.C. §112 and claims 1-26 were rejected under 35 U.S.C. §102(e). Applicants respectfully traverse these rejections in their entirety and requests reconsideration of the allowability of claims 1-26.

#### ***Request for Examiner's Interview***

The Examiner is respectfully requested to contact the undersigned by telephone at the phone number listed below if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. The undersigned attorney can be reached at the telephone number listed below.

#### ***Specification Objection***

The specification of the subject application was objected because paragraph 27 includes a typographical error with respect to "block 370". Applicants have corrected the typographical error so that the term is "block 365". Also, paragraphs 32 and 35 have been altered for consistency with the drawings. Withdrawal of the objection is respectfully requested.

#### ***Drawing Objection***

The drawings of the subject application were objected based on the lack of reference labels in FIG. 1, 3A and 5 consistent with the content of the subject application. In response, Applicants have corrected the drawings where FIG. 1 has been amended to include the reference labels "170" and "180". FIG. 3A has been amended to include the reference label "340" and FIG. 5 has been amended to substitute the reference label "1130" for "500". The inconsistencies between the reference labels and FIG. 5 have been corrected by amendment to paragraphs 32 and 35 of the subject application. Withdrawal of the drawing objection is respectfully requested

***Rejection Under 35 U.S.C. §112, Second Paragraph***

Claims 24-26 were rejected under 35 U.S.C. §112 (first & second paragraphs). Applicants respectfully traverse the rejection because paragraph 22 (page 9) clearly identifies that the partition/anneal logic (114) of FIG.1 as being the logic for relinquishing and partitioning the resources. Based on this revision, Applicants respectfully request the Examiner to withdraw the outstanding §112 rejections.

***Rejection Under 35 U.S.C. § 102(e)***

Claims 1-26 were rejected under 35 U.S.C. §102(e) as being anticipated by Kalafatis (U.S. Patent No. 6,535,905). Applicants respectfully request the Examiner to withdraw the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully disagree that each and every element of these claims is set forth in Kalafatis and respectfully requests that the Examiner identify such elements.

For instance, with respect to claims 13 and 24 for example, the Examiner has failed to identify where Kalafatis provides teaching for (1) “receiving a first opcode in a first thread of execution” and “suspending said first thread for a selected amount of time in response to said opcode,” and (2) “means for receiving a first instruction from a first thread” and “means for suspending said first thread in response to said first instruction”. Withdrawal of the §102(e) rejection as applied to claims 13 and 24 and those claims dependent thereon is respectfully requested.

Moreover, with respect to independent claim 1, Applicants respectfully submit that Kalafatis does not describe logic to receive a program instruction *from a first thread directing said processor to suspend execution...and to relinquish portions of said plurality of thread partitionable resources* associated with the first thread *for use by other ones of said plurality of threads*. *Emphasis added*. Herein, the Examiner states that the components (103, 72, 70) make up an overall partitionable resource. *See Page 6 of the Office Action*. However, there is no teaching of suspending execution of the first thread and relinquishing of portions of these alleged “partitionable resources” in response to the program instruction. Moreover, as alleged in the Office Action, neither Figure 8 nor Figure 14 provides any teaching of such logic. Withdrawal of the §102(e) rejection as applied to claim 1 and those claims dependent thereon is respectfully requested.

With respect to independent claim 18, Applicants respectfully submit that Kalafatis does not describe the memory that is separate from the processor and used to store the program threads. This is in direct contrast to the buffer and queues set forth in FIG. 4 of Kalafatis, which are selected components of microprocessor (30). Withdrawal of the §102(e) rejection as applied to claim 18 and those claims dependent thereon is respectfully requested.

With respect to claims 3-4, 6, 11, 16 and 20, the Examiner relies on text within column 22 of Kalafatis. It is respectfully asserted that it is impermissible to rely on the language in the claims as support for the teachings of Kalafatis. The scope of a patent’s claims determines what infringes a patent; it is no measure of what it discloses. *In re Benno*, 768 F2d 1340, 226 USPQ 683, 686 (Fed.Cir.1985). Thus, the rejection is impermissible. It is respectfully requested that the Examiner identify the specific areas in the specification where Kalafatis describes those alleged limitations.

**Conclusion**

In view of the remarks made above, it is respectfully submitted that pending claims 1-26 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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Dated: January 13, 2006

By

  
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**Attachments**

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Susan McFarlane

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